



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

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April 21, 2004

U.S. DISTRICT COURT
DISTRICT OF MASS.

VIA CERTIFIED MAIL

Anthony Anastas, Clerk
United States District Court
District of Massachusetts
John Joseph Moakley Courthouse
1 Courthouse Way, Suite 2300
Boston, Massachusetts 02210

Re: Pharmaceutical Industry Average Wholesale Price Litigation, MDL No. 1456,
Master File No. 01-12257-PBS, United States District Court, District of
Massachusetts; State of Texas, ex rel. Ven-A-Care of the Florida Keys, Inc. v.
Roxane Laboratories, Inc, et al., W.D. Texas, C.A. No. 1:03-663

Dear Mr. Anastas:

I am writing to inquire about the status of the following action, which was transferred to Judge Saris' court by the Judicial Panel on Multidistrict Litigation (JPMDL) on December 16, 2003:

State of Texas ex rel. Ven-A-Care of the Florida Keys, Inc. v. Roxane Laboratories, Inc.; Boehringer Ingelheim Pharmaceuticals, Inc.; Ben Venue Laboratories, Inc.; and Boehringer Ingelheim Corporation, Cause No. A-03-CA-663-SS, United States District Court for the Western District of Texas, Austin Division.

Enclosed please find a courtesy copy of the correspondence that was sent to your office by the Clerk of the JPMDL on December 16th, which requests that a certified copy of the JPMDL's transfer order be sent by your office "to the clerk of the district court from which the action is being transferred" (U.S. District Court for the Western District of Texas, Austin, Division).

It has recently come to my attention that the District Clerk's office in Austin has never sent the case file to Boston. I was told that the reason they had not done so was that they have never received the certified copy of the JPMDL's transfer order from your office.

Today, I spoke with Judge Saris' docket clerk about this matter and she referred me to Ms. Jenny Hurley. My understanding is that Ms. Hurley is out of the office until Monday, although I did leave her a voice mail message explaining the matter.

I would greatly appreciate your assistance in getting the certified copy of the transfer order sent to the Clerk of the U.S. District Court for the Western District of Texas, Austin Division, as soon as possible. We are most anxious to have this matter docketed in Judge Saris' court. Thank you for your attention to this matter and please feel free to contact me if any additional information is required.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cynthia O'Keeffe".

Cynthia O'Keeffe
Assistant Attorney General
Antitrust and Civil Medicaid Division
(512) 936-1304

cc: Mr. Steve McConnico